IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.5823 of 2007
Date of Decision: 23.4.2007

Nitin Mittal

Petitioner

versus

Panjab University and another

Respondents

CORAM:- **HON'BLE MR. JUSTICE JASBIR SINGH**

HON'BLE MRS. JUSTICE NIRMAL YADAV

Present: Shri V.K.Sharma, Advocate for the petitioner

Jasbir Singh, J. (Oral)

Vide order Annexure P/2, for use of unfair means during examination, the petitioner was debarred from appearing in any University examination, for a period of one year.

It is apparent from the records that on 2.12.2006, the petitioner was undergoing examination in the subject of Law. He was found using unfair means. Following report was made by the Supervisor of the examination on that date:-

> *"I saw that Roll no.249 on date 2.12.2006 at about 9.45 a.m. I saw that the candidate was reading something from the handwritten slip. I took possession of the slip and handover the matter to the Centre Supdt. The slip duly signed by me and the Centre Supdt. Is enclosed herewith."*

The petitioner made the following statement at the time of detection of above-said material:-

> *"I student of Ist Sem.declares that I did not use any such irrelevant material. By mistake it remained in my pocket. So,*

please grant me pardon. My intention was not to use it during examination. I bring that only for reading before starting of examination."

Possession of incriminating material is virtually admitted. Thereafter, an attempt has been made by the petitioner to say that the incriminating material was recovered from him in the toilet. This was not his case in the first instance, which appears to be improved and furthermore, the petitioner has failed to show that as to why the Centre Supervisor has made a wrong statement. No case is made out for interference.

Dismissed.

(Jasbir Singh)
Judge

April 23, 2007 **(Nirmal Yadav)**
gk **Judge**